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S E Q U E L

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E S S A Y, &c.

S. B. G. U. E. L.

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S E Q U E L  
TO AN  
E S S A Y,  
ON THE  
ORIGIN AND PROGRESS  
OF  
GOVERNMENT.

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L O N D O N :

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TO AND

E S S A Y

IN THE

ORIGIN AND PROGRESS

OF

GOVERNMENT

BY

J. H. M. J. H. M. J. H. M.

TO THE RIGHT HONOURABLE  
WILLIAM PITT, Esq;

THIS Sequel to an Essay on the  
Origin and Progress of Government, is  
inscribed, with the greatest Respect and  
Deference,

By the AUTHOR.



THEY reject as dreams and melancholy notions, the counsels and precautions that regard futurity at a distance; despise rumours as the breath of the rabble, and things that will soon pass over, though the counsels of princes are to be chiefly directed thereby; in short, sap all the foundations of political government at once; a thing which deserves the greater attention, as it is not affected by open attack, but by secret undermining; nor is it by any means so much suspected among mankind as it ought to be. Lord Bacon's Arg. § 24. Aph. 12.

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## S E Q U E L

T O T H E

## E S S A Y, &c.

**I**T is not a real objection to the excellence of the English constitution, that it is not entirely exempt from irregularity, corruption, and disorder.

The great English astronomer, and (with Lord Monboddo's permission) philosopher, has declared his opinion, that the supposition, that the author of nature had not by his fiat completed it in such a manner, that he might withdraw his hand from it the moment of creation, is neither derogatory to the excellence of the system, nor to the wisdom and power of the Creator; and that to mankind it was a delightful consideration, that the material as well as the moral world, is still under the immediate fostering hand of the all-good, all-wise, and all-mighty.

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If the glorious machine of the universe is liable to corruption and error, and requires occasional correction, who can but allow, and without degradation of the wisdom of our forefathers, that the constitution of England, neither is nor could be so calculated and originally adjusted as to endure for ever regular, and incorruptible, without the application of constant vigilance and care, to purify and correct internal rust and corruption, as well as to guard it against external attacks and innovations.

A farther analogy may be observed between the system of nature and our constitution, that as the former, though naturally perishable, may, beyond doubt, by the divine interposition continue to eternity, so the machine of our constitution, by attention and supervisal of the wisdom of the nation, may, by the permission of providence, exist as long as mankind. A machine perishes infallibly, when its worn out parts cease to be renewed: but one generation of men no sooner passes away, than another succeeds with equal power; and may with equal wisdom continue and correct the machine of the constitution.

But here the analogy fails. Storms and earthquakes, and those evil spirits as Milton describes, to which the elements are subject, in vain attempt to convulse and destroy the universe; but a single wheel, spring or check displaced or disregarded, or the very rust of corruption, may  
cause



cause the destruction, or render useless the whole machine of our constitution.

In human society causes naturally and apparently the most insignificant, produce the most dreadful effects. An island not far from our now lost Minorca was depopulated by serpents; the city of Troas was overthrown by mice; and England and its constitution, have been undermined and more than once nearly shaken to ruin by Tories.

Whoever desires to discover the cause of those evils which we have past through, those which we now lie under, and those which threaten us, let him recall to his memory the actions of the late Administration, composed of the ministers and those who supported them, all apparently, and most of them confessedly, actuated by Tory principles of theory and practice, of action and affection.

Some respectable people declare against prosecuting any part of that faction since its political death: yet who will deny the propriety of exposing traitors heads as a terror to ambitious statesmen, and a needful warning to posterity? If the late leaders and seducers of the Tory faction had received their due reward in that way, there would be the less need to gibbet their memory; but they not only live and hold up their heads unabashed, but live in hope, as the nation does in fear, of their being restored to

the power of doing mischief. The principles of the Tories still exist, and will, as long as there are men of weak eyes, which are dazzled at the glitter of a crown, and the splendour of purple robes, often died with human blood.

In civility we may suppose that ministers supported by the Tories are actuated by Tory principles: but in truth they are generally men of no principles at all; who if they had any would have Tory principles, leading and supported by men who have some principles, but inimical to the rights of mankind, and the constitution of England; in a word, Tory principles.

If the question is asked, What are Tory principles? it might be answered that they are the reverse of the Whig principles of government, and sentiments of the constitution; and so opposite that neither can a Whig, while he acts on his own principles, do any thing wrong, nor a Tory any thing right.

The Tory is content that his happiness should depend upon the good conduct of the King, under whom he is content to be tenant at will for his liberty. The Whig would, as far as is consistent with order, prevent the crown from having the power to do harm, and considers liberty as his eternal right and freehold, held of the Almighty only. The good of the people is uppermost in the Whigs thoughts, the grandeur of the prince in the Tories.

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The Whig who is a member of the church of England, regards the Dissenter as his younger brother, but dislikes the religious and detests the political principles of the church of Rome, for which the Tory entertains a respectful tenderness, but abominates the Dissenter, like Sir Andrew Ague Cheek; and if like the foolish knight of Illyria, he was not afraid, would beat the Puritan like a dog; and if asked like him for his exquisite reason, must answer likewise that he had no exquisite reason, but reason good enough.

The Whig thinks the form of government in church and state, is a thing of absolute indifference in itself, excepting as it regards and promotes order, virtue, liberty and religion, which constitute the true interest and duty of mankind: the Tory is sure that Kings are God's vicegerents, and can almost prove that archbishops are *Jure divino*. A Whig will kindly tire you sometimes with praises of the constitution; a word never uttered by a Tory mouth, from which you will sooner hear a thousand harangues upon the prerogative, intermixed with astonishment that we can find anybody so goodnaturedly indiscreet as to be minister, or to reign over us; and their last principle is to renounce all the above, when they become troublesome to the possessor or professor.

I will



I will not positively affirm that the Tories in general do at present, profess at least, an implicit subjection to all princes of light or darkness; but experience shows, that whoever has in his youth been subject to the ague, and the shaking fits of passive obedience and nonresistance, is apt to be jaundiced over with timidity and servility for his whole life. Let him therefore be mindful of, and stick by his passive obedience; be as a mere ignorant puny passenger in the ship of state: if he meddles he stands in the way, and does mischief.

Such being the principles and marks of a Tory, to be collected as much from the actions as the words of the virtuous and well-meaning among them, of which there are abundance; and if these are not their principles, their actions can arise only from absolute ignorance and inattention, or profligate corruption, for to no other principles can they be reconciled; it is no wonder that by acting consistently with them, they have assisted the wicked endeavours of unprincipled men, to overthrow the constitution, both when in authority, and when out of administration. Let us take a look at them, when in disgrace and when triumphant: the latter glimpse is indeed unpleasant, as their prosperity is England's adversity.

Soon after queen Anne's death, the Tories, not being able to make a king, endeavoured to  
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mar one. After two open rebellions and constant plotting for others, to no purpose, they found the arts of war to be little suited to their genius, and applied themselves, to sowing sedition in the royal family. To the same artifice they had recourse after their last rebellion in 1745, and raised such a clamour, at the same time, against the evils supposed to befall this country from its connection with Hanover, that his late Majesty, desiring to restore peace to the minds of his subjects, sent a proposal to Frederick prince of Wales, to resign, with his concurrence, that electorate, to the duke of Cumberland. This concurrence was refused, by the advice of the Tories in the confidence of the prince, for this execrable reason, doubtless not communicated to that amiable young man, that the execution of such a measure would render the Whig administration as popular as meritorious. If any good or bad consequences have since ensued from the connection with Hanover, the credit of them ought to be given to the authors of this refusal.

What success attended the intrigues of the Tories in the latter part of his late Majesty's reign, and their aversion to his person and ministers; and the support they gave Mr. Pitt, though the truest Whig in the empire, because they conceived him to be personally disagreeable to their sovereign, are too well known to be enlarged

larged upon. But having soon discovered that great man to be of principles totally inapplicable to their purposes, upon the demise of the crown, their loud applauses, from hesitated praise descended to doubtful whispers, rose to murmurs of disapprobation, and broke out in the clamorous defamation.

The scandalous abuse of the liberty of the press in this reign began from the Tories: their ministers employed, because they rewarded, the men who abused Mr. Pitt; and they adopted in the sequel every hireling who offered; nor had spirit to punish those who opposed them afterwards, with equal licentiousness, seeking perhaps in that a pretence to abridge the just liberty of the press. The faction, joining its whole force together, drove from the counsels of their sovereign, in the second year of his reign, a statesman whose success as a minister, was only equalled by his eloquence, disinterestedness, and magnanimity. He was soon followed to his retirement by the leaders of the Whigs.

The favourite and leader of the Tories now stood confessed the nations guide, and soon made a peace, under the protection of the Sardinian envoy, whose good offices were rewarded with a pension on Ireland.

Nothing remained now to be settled with regard to the peace, but the approbation of the publick and the parliament. The boroughs, as usual,



usual, addressed and approved ; the rest of the nation were dissatisfied, as much at the purpose and motives on which it was evidently made, as at the inadequacy of it. To compel the approbation and obedience of parliament, all persons who were connected by alliance, friendship, or dependance, on those who were likely in parliament to disapprove the peace, were driven from those employments which they had purchased by the labour of their lives, or the services of their families. Thus justice and humanity, the liberty of Englishmen, and independence of parliament had been supported by the Tories when in authority under queen Anne ; and thus they acted again at their restoration under his present Majesty. They declared that their sovereign should be his own minister, and attempted to make him his own parliament too.

The favourite held the reins but a twelvemonth, and then, for his ease and safety, delivered them to Mr. Grenville, whose principles were friendly to the people, and his views directed to the public good ; but he is thought to have been short-sighted, and incapable of comparing the relations of various objects to one another in an expanded view. Indeed, as he acted with and was surrounded with such a legion of Tories, he might have said with Falstaff, " company, villainous company, has been the undoing of me, and prevailed on me to pass  
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the American stamp act, which may be the undoing of my country."

That it was not laid on in wisdom the event has proved. Little certainly could be gained, or was confessedly expected : much might probably be lost in the attempt, and all was put to the hazard. The Tories committed the unpardonable fault, of bringing the nation into a situation, in which it could not take a right step, a step I mean, without falling into a dreadful precipice. It was sure destruction to go forward, and neither safe nor creditable to return. If the nation desisted from its avowed purpose, the authority of parliament was impaired : if we persevered, the supremacy and connection of this country with America might be, for they have been lost. Whether America was previously meditating independance or not, the measure was equally pernicious. In the former case, it would, of course, force upon them the idea of independance ; and if there were spirits already at work among them for that purpose, it would furnish them with a popular watch word, if it will not be allowed a just call upon the people to aim at independance.

The consequences of the stamp act soon induced his Majesty, in compliance with the wishes of the more virtuous part of his people, to call to his assistance the main army of the Whigs, under the conduct of the most amiable  
Marquis

Marquis of Rockingham and Mr. Pitt. The stamp act was repealed ; but instead of its being burnt as it ought by the hands of the hangman, a foundation was laid on which more such acts might be framed, by a declaration, founded neither in truth nor prudence, that the parliament of Great Britain had an entire right of taxation over America. Mr. Pitt desired the repeal to be as a matter of right, total, absolute, and unconditional ; and probably he foresaw the ill use which has been since made of this solemn declaration of parliament, by men who had already taxed America, without such authority and sanction. Yet what authority, pretence, or purpose, except making themselves pleasing in the eye of prerogative, would be regarded by those who shortly after the repeal of the stamp act, blew the embers of discontent by a tax which peculiarly affected America ; and repealed it partially, although they have constantly declared that the repeal of the stamp act was the cause of all our evils. If they had not made it, there could have been no repeal. If they repealed their subsequent acts, from fear of the consequences, they deserted their prerogative principles ; if from necessity, they passed them in folly. Let those statesmen take their choice ; the nation concludes for both.

The stamp act was repealed by those who originally opposed the passing of that act, on fore-



sight of those evils which would at last occasion its repeal upon necessity, in the disgraceful manner in which the tea act was repealed. Yet all these absurdities, all these acts, repeals and declarations, did not prevent the nation from enjoying the intercourse with its Colonies, for ten years after their refusal of the stamp act. Who will take upon them to say or prove that if the stamp act had not been repealed, the Americans would have submitted to it for ten years? one would think such affirmation can originate only from conscious hardened guilt, or invincible ignorance.

The great leaders of the Tories having determined to drive America into rebellion or unconditional submission, that if she fell by force, or otherwise, America might fall like the strong man, and tear down the pillars of the constitution with her, applied, with the arguments common to all ministers, particular reasons adapted to the different understandings of their partizans.

To the high spirited admirers of the prerogative of the crown or of the parliament, they pretended that the demand of unconditional submission, was merely to support the dignity of government; as if the true dignity of government did not consist in keeping the subjects in such a state of confidence and satisfaction, as to prevent general and riotous opposition. To the

the mean lucrative mind, they promised that America should bear those burthens of taxation, to which England and Scotland must otherwise submit. Yet afterwards the minister had the assurance to laugh to scorn those dupes, who were so unacquainted with his principles as to believe the taxes were laid on America in order to raise money, as taxes used to be; whereas in truth they were now laid in order to raise a rebellion.

If the danger of displeasing a whole continent was objected, they asserted that the discontent was confined to a few obscure individuals, to a mob at the utmost; if a particular riot happened, then it was styled a continent in opposition to the authority of the parliament. One day they affirmed that America was to be reduced, because she was growing too powerful, and if suffered to transfer her trade, Britain would be ruined; another day because there was no risk of any kind in attacking her, as being weak and useless to this country.

At one time, because being descended from Cromwell's soldiers, the Americans were a terribly obstinate and dangerous people, they must be rebellious, and must be tamed. Another time a Scotch officer having asserted in the house of commons that they were all cowards, such they were believed: but when a certain person said the same thing in a still higher assembly, every  
body

body was convinced that it could not be the truth ; in which conviction they have since received good reason to persist.

But cowards or not, will not our national enemies, the French, assist them ? certainly not, answered these sagacious statesmen ; the French will not assist rebels, nor be asked to assist protestant rebels. This assertion however is unfortunately contradicted now by woeful experience ; by the whole history of France ; and the falsity of it some of the leaders of the Tories had private reasons to know by their own recollection of what passed some thirty years past. The same imposition on their sovereign and the publick they attempted, when questioned with regard to the intentions of the Spaniards, protesting that it was the height of perverse folly to suspect them of the madness of acting so diametrically opposite to their interest ; as if our own was the only nation capable of acting contrary to its own welfare, by the seduction of an artful minister. Spain, as if resolved to disgrace the prognostick of the British statesmen, soon followed the example of France ; and even the frog of Holland hopt with impunity on the back of the English lion.

Thus, notwithstanding the eradication of Whig ministers and maxims, the Tories have been able to do us no more service, than to bring us, or suffer us to be brought into a war with thirteen colonies



colonies of our own in America, and three of the most powerful European powers : a war in which every officer of rank in the land or sea forces, of whatever party, has in his turn been cried up as an Alexander conquering new worlds, in the hour of his success, and when impossibilities overpowered him, has been degraded to a perfidious partyman, coward, and traitor.

Passing by an infinity of other instances of the incapacity, duplicity, pernicious designs, and inattention of the Tories to the rights of mankind, and to the constitution, such as were shown in the persecution of Mr. Wilkes ; the obstinate defence of general warrants ; the exertion of the prerogative against the duke of Portland ; the encouraging and pensioning one Probert, in the horrors of war and universal discontent, to search after latent claims of the crown in forests and waste lands ; all without honourable or adequate object ; it may be permitted to take notice of some treacherous blows aimed at the constitution, capable, if not guarded against, of giving deadly wounds.

One of the first fruits of the war, was the introduction of foreign troops into Gibraltar and Minorca, and an attempt to introduce them into Ireland without even the consent of parliament. This was so favourite a measure, and intended as so useful a precedent by the high prerogative faction, that the minister was ordered

dered to use his utmost endeavours to prevent its being excused by a bill of indemnity. Excuse supposes something not quite right. This he endeavoured, sometimes denying the propriety, at others, acceding to it as to the desire of his friends the more moderate Tories; and at last he acquiesced, with the usual duplicity, in something called an act of indemnity, the preface to which just recites, that doubts had been entertained of the legality: thus stating that to be doubtful, of which there was no doubt before, and for which no shadow of reason can be alledged: I shall therefore not endeavour to unravel a cobweb, which is too weak to stand the push of a straw. Yet this may in good time be voted by a Tory parliament to be strictly and undoubtedly legal. One of the first objects of parliamentary regulation, might be the determination of this doubt, which could not be better done than in the words of his grace the duke of Manchester, in his motion in the year 1776; "That bringing into any of the dominions of Great Britain, the electoral troops of his Majesty, or any other foreign troops, without the previous advice or consent of parliament, is unconstitutional, and contrary to the true intent of the bill of rights, and the act of settlement."

When foreign troops had been introduced in the reign of his late Majesty into Great Britain,

rain, or any part of the dominions thereto belonging, (an expression constantly recurring in the bill of rights and act of settlement) it was never done, though in time of rebellion in Great Britain, or of danger and difficulty, without the previous address or vote of parliament, fully equivalent to an act of indemnity. When in a dearth of corn, some vessels laden with it for exportation were stopped by order of the administration, without authority of law, Lord Chatham readily concurred in passing an act of indemnity, both of the advisers and actors in a matter allowed by the whole nation to be commendable and necessary, but not permitted by the common established course of law. True necessity is a just apology for any violation of the law or constitution, but of the necessity the parliament must be the judges, and the people in the last resort.

The minister upon every deviation from the law, should be considered *ipso facto* as a criminal, nor declared innocent, till he has passed the ordeal of parliament; as the commander who has lost his ship in action or by the elements, is obliged to take his trial, and as those governors who have lost forts and islands in such numbers in this war ought to be treated, and perhaps would have been, if discretion had not interposed, with assurances that if a governor who condescended to command a fort or island, furnished with



more cannon than men, should be blamed for submitting to such a neglect of the security of the place entrusted to him by the nation, and for which he was responsible, or should appear to submit to the enemy for that reason, that their condemnation would be greater than his, and even be his acquittal.

In the same sessions of parliament in which the introduction of foreign troops had passed unchecked, and indeed uncensured, the Tories assisted the ministry in authorising the King to call out the militia of England whenever there should be a rebellion in any part of Great Britain, or the dominions thereto belonging. This is a farther improvement upon the militia act, which only authorises the King to embody the militia upon actual invasion or imminent danger thereof; which imminent danger, contrary to common sense and prudence, is now construed to mean the whole time of war; as the late act no doubt would be construed to extend to rebellion in Canada, Jamaica, or the Bermudas, the thirteen colonies being now out of the question.

By this construction of the words imminent danger of invasion, the country gentlemen, the proper constitutional legal commanders of the militia were tired out as was intended, and though willing to face actual invasion, were not disposed to dream of it for ten years in quarters, camps and alehouses; accordingly nine in ten of them have resigned.

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The militia is indeed too dangerous a weapon to be trusted in doubtful or malignant hands. The address of the Devonshire battalion to support his Majesty against all those whom they should suppose his enemies, was made by a corps commanded by officers well and legally qualified by their property for such commands; but at present it is notorious that not one half of the officers of the militia in general are qualified by their property or their birth. I could mention a battalion of militia, in which are more than a dozen officers born in Ireland. Half pay officers have likewise been solicited to raise additional companies, for the pretended purpose of strengthening, but in fact overpowering the true militia.

Shortly afterwards, a virtual suspension of the habeas corpus act was contrived, by a bill enabling the minister to seize and confine in any part of his Majesty's dominions, any person whom he should choose to suspect of being guilty of high treason. As neither of these acts (with all the modifications of the incredible brutality of the original draught of the latter) have yet been put in execution, (for the militia was not called out till after the next sessions of parliament, when the war was begun against France) we may infer that they were intended to show the sovereign and one part of the nation, that the other half was a Brentford

army of traitors, ready to make an insurrection in favour of the Americans. In truth, the militia of England has no more reference to a rebellion in America, than in China, unless there is at the same time danger from a foreign enemy; a circumstance at that time positively denied by the minister.

All the regular British troops, the foreign mercenaries, and the English militia, not being deemed sufficient, a body of troops, equal to a little army, was levied without the sanction of parliament, partly by the goodwill of some districts in England, noted for their Tory principles, and partly in Scotland. In the latter, as it should seem, the men were induced to enlist under deceitful promises, or met with subsequent ill treatment, as they were the only British troops, among whom there has appeared the shadow of a mutiny or rebellion, during this war. They were quieted after some time, by the assistance of a noble lord of their country, who met with greater success in pacifying his Highlanders, than in stirring up the Virginia negroes to insurrection and massacre.

By what men or districts, or by whose money soever raised, the previous sanction of parliament was indispensibly necessary, as it is contrary to the spirit of the constitution, and by the bill of rights declared illegal, to raise or keep a standing army in this kingdom in time of peace, unless it be with the consent of parliament.

But



But this is not a time of peace, was answered by the Tories. Let us therefore enquire the meaning of the word peace.

Lord Coke, in his first institute, declares, "That when the courts of justice be open, and the judges and ministers of the same may protect men from wrong and violence, and distribute justice to all, then it is said to be time of peace:" so when by invasion, insurrection, rebellion, and such like, the peaceable course of justice is disturbed and stopped, so as the courts of justice be as it were shut up, *silent inter arma leges*, then it is said to be time of war. It will be difficult to assign a reason why in such an important matter, the strict legal meaning of the word should not be adhered to.

But taking the popular meaning of the word, I presume the parliament meant by peace, a time when this kingdom was not invaded by a foreign enemy, nor the subject in arms in it. But if it is still further insisted that peace is the non-existence of war with a foreign enemy, though without invasion, I answer, that I cannot believe that the intention of the parliament which formed the bill of rights was, that the King should be enabled to raise and keep up armies without the consent of parliament, as soon as he would please to declare war, against any foreign power however insignificant;

nificant; and that the parliament meant and prepared such a palpable evasion of the act.

If the minuteness of the danger, arising from the impossibility of maintaining such an army when raised, excepting by money which the parliament may withhold, be alledged, it may be answered, that is is a greater difficulty to withhold money from an army which has none. Sweden has lately lost its liberty, by means of an army raised and paid by taxes not laid on at the pleasure of the King.

If it be illegal to raise an army without consent of parliament, contributions of money for that purpose must be so likewise, by plain inference of common sense. If they cannot be used and applied, they cannot be granted. In one respect their illegality may be said to be still greater; because the king can hardly raise such an army without such contributions as may enable him to levy contributions by force to maintain them, and to attempt other illegal purposes, in the manner Charles the first attacked his parliament.

The greatest law officer in the house of commons, at the time these levies of men and money were animadverted upon, declared that he would not maintain the general proposition, (made in the house of lords) that voluntary subscriptions for compleating the troops ordered to be then levied, were commendable and warrantable; but

but that the present contributions were trifles not worthy regard. With great deference to such authority, I would suggest that the principle is no trifle, the breach of law no trifle. It may be said, that he who breaks the law of the constitution, as of the gospel, in one point, breaks it in all. The breach is the damage; it is all but compleat the moment the breach is made. All innovations not made by madmen, are trifles at first.

Benevolences were trifles when mere free gifts; but they soon became such free gifts as no man was free to refuse. Benevolences were first given to Edward the 4th, by those who had a personal regard for him; like that London widow who declared, that she could not give less than 20 l. to a man who borrowed with so good a grace; and being kissed in gratitude by him, gave him 20 l. more in return; but soon they were given by those who feared their sovereign.

Contributions of this kind in their most respectable shape, that of furnishing ships of war to the state, I cannot help considering as questionable and dangerous, because introductive of contributions for any other purpose which ministers shall declare equally innocent and laudable. Take away the power of parliament in raising supplies, you utterly destroy the security of parliament; abridge that power, and you in the same proportion weaken its authority.

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The Tories use their constant plea necessity ; calling that necessity which is only convenience. True necessity is an irresistible plea, and supercedes all laws ; but it is to be observed that it only suspends laws ; it does not deny their existence. True necessity is that without which the end cannot be attained, and (I would add) with which it may. There cannot be a necessity to do any thing to no purpose. The regiments in question might have been ordered, raised, and paid by parliament, without the pitiful assistance and interest of Birmingham copper captains, Manchester weavers, and Scotch lairds, who have formerly co-operated and joined forces to little purpose.

To supply the state with ships of war by private contributions, to reduce our enemy now in arms, is not necessary I hope, for it is impracticable. It is well known that there are not in the kingdom a sufficient number of shipyards to build half a dozen men of war at the same time, which are not already employed for that purpose. Money may be subscribed, but ships cannot be built, nor the materials procured by force of money only.

If for the purpose of restoring and improving the navy, it shall be thought proper to have recourse to individuals, let the parliament give its sanction to the measure, as doubts at least are entertained of its legality, without such sanction.

function. The authority of chancellors and crown lawyers is quoted, in its justification, but they approach too near the fun, they wink.

Indeed the crown lawyers and the directors of this vast military force, seem not to have settled their opinions respecting the proper use of arms in this country. At the time of the late fire in London, the great commander of the forces and head of the martial law, declared, "That no person had a right to take arms for suppressing riots there, unless by the King's commission;" whereas the head of the common law, adjudged, that not only every one had individually a right to take up arms to oppose rioters, but even the military to fire in a body, without waiting for orders from the civil magistrate. These opinions agreeing in only one point, that grenadiers under the command of a corporal, had a right and ought, and were proper judges who are rioters, and when and in what manner to give battle to them; were both questioned before the highest tribunal in the kingdom, and escaped without censure.

It is hoped that no interested fondness for military parade, will prevent the reduction of the army, at least to the state it was in in the year 1749; as we have alas! fewer places to guard than we had then, against the sudden

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attack

attack of foreign enemies. And a military of 30,000 men, would be, with very little assistance, a sufficient guard.

As the commissariat, the victualling, the employment of the officers of so many myriads of soldiers and seamen, of course extended the influence of administration, the sphere of its attraction was likewise farther enlarged by means the most unlikely, and by a circumstance which had caused the greatest embarrassment to all Whig administrations, indeed to all honest ministers in every country, I mean, the procuring supplies of money. Whereas former ministers made interest with opulent men to subscribe to the publick loan, by which they sometimes gained one or two *per cent.* and often lost; now not only the merchants, but the members of parliament, held their hats off, round the minister, to catch a golden shower of ten and fifteen *per cent.* He might well boast that the supplies would never be wanting. Never, in ministerial language, means a few years; the utmost extent of a true minister's consideration.

To raise the taxes gave little trouble, as the sinking fund was to pay all deficiencies in the interest of the loans. The minister, therefore, (partly to conceal from the publick the real burthen of the war) raised taxes yearly, less  
productive



productive than those of the former, till at this instant the sinking fund is obliged to pay half a million annually, of deficiency of the taxes appropriated to pay the interest of the yearly loans, and will continue thus far diminishing for ever; diminished by at least a sixth part. It must be observed too, that the sinking fund has been always estimated during this war, at half a million more than it annually produces, or three millions in six years, the interest of which is likewise to be added to the annual deficiency of taxes; and thus though our debt, under the conduct of our late boasted financier, is so nearly doubled, the sinking fund by which it should or can be diminished, is itself from these two circumstances only, diminished by 650,000 l. every year, compared with what it ought and would have produced, if the annual supplies had been honestly raised, and the sinking fund estimated at its true value and product.

Every supply, whether by loan or by a draught from the sinking fund, ought to be attended with a tax sufficient not only to pay the interest, but to leave a considerable overplus, for the repayment of the principal. Thus the minister and the nation would be alike checked in their extravagance and folly, nor would be able, by touching a burthen with their little fin-

ger, to throw it, hardly to be supported, on the shoulders of their posterity. If the war ends next month, at least an additional annual million ought to be raised, towards the discharge of the national debt, if the nation has wisdom and honesty left. Nothing less can save us; for by the late management of the finances, the whole of the debt incurred by this war, is unattended with any new provision for the payment of it, and the fund for discharging the former debt is diminished by at least a fifth. Like prodigals, who mortgage their estates, the greater our debt becomes, the less provision is left or made for paying it.

The nation, in general, took the alarm, and petitioned parliament from all quarters, against the ill management, profusion, and abuse of the publick revenue, and the conduct of the ministers in general. The constitutional members in both houses proposed plans, and resolutions, and forms, which were almost without exception overborne, or beat aside, by the Tories, while their leaders continued in authority; although they have been since adopted in parliament, with the general applause of the nation; whose indignation at last against the ministers, rose so high, that they fled before the storm, pusillanimously deserting their sovereign and their country; leaving them both at the mercy  
of

of those traiterous Whigs, men of revolution principles, always fond of revolutions, and determined republicans ; a most lamentable catastrophe indeed ! *Sol tamen occubuit, nox nulla secuta est.*

The political death of the leaders of the Tories did not degenerate from their lives. A few days preparation being allowed them, like other criminals, it was hoped that they would spend them in acts of contrition ; that those of the treasury would settle the business of that office ; that they would at least put their minutes in proper order, not one of which had been entered for three years. The minister thought it was better pastime to provide for his poor secretary, who assured him and the parliament, that he deserved and could not do without it ; and truly if he could make out the latter, the former followed of course.

If the great man was thus attentive to the merits and wants of his secretary, (I dare not say *commis*) it is no wonder that he was not insensible to his own. Indeed conscious merit, and a desire that it should be properly rewarded, seem to be an hereditary excellence in his family, as may be conjectured from some parts of a book in quarto, written by Roger North, which run thus : " His lordship insisted not to accept the seals unless a pension  
were



were added, and it was condescended to that his lordship should have a pension of 2000*l.* a year. When he came home it was with more splutter than ordinary ; I perceived his spirits were much foiled. At last his lordship's discourses and actions discovered that he was in a great passion, such as may be termed agony. He had kept it in long, and he made use of me to ease himself upon. That which so much troubled him was, to be thought so weak by those, by whom he ought to have been better understood ; and instead of common friendship, to be haggled withal about a pension, as at the purchase of a horse or an ox. And what was worst of all, as he more than once repeated, to think me worthy of so great a trust, and withal so little and mean as to endure such usage as was disobliging, inconsistent, and insufferable ; and so on with much more of like animosity, which I cannot undertake to remember."

Such have been the principles, measures and effects, of a ministry composed of and supported by Tories, and the corrupt part of the people, both in the nation at large and in parliament. If the present state of the nation is more honourable, more secure, more powerful than that in which Lord Chatham and the Whigs were forced to resign it to the Tories, let them and their ministers have the credit of it ; but  
if

if the reverse of this is true, the sanction given to their actions, by parliament, will be no justification, no more than it was to their predecessors in the last ministry of queen Anne. The seduction of parliament was not then held a justification of the seduction of their sovereign. The constitution of England holds parliaments no more, than the church of England holds the pope and his councils infallible and irresistible. The omniscience of parliament has lately been shown in aiming at pernicious impossibilities, and its omnipotence in failing of the end it wished.

The river, whose current the State-Hercules should direct to cleanse the Augean stable, is itself contaminated. The elective members of the house of lords overpower the hereditary peerage. The spiritual and Scotch lords, all elected by the minister, in themselves constitute nearly a majority of that house. It is as absurd to say that the house of commons is elected by the people, as that their lordships, the bishops, are elected by their chapters, in consequence of what is called a *congé d'elire*. They have not been elected by the people; they have only purchased of them the power of doing mischief. Many of them are like robbers and plunderers, fitted out by their accomplices, who will not make nor allow any objection of treachery or cruelty,

cruelty, while they permit their worthy friends to have a due share of the plunder.

Such, however, as this assembly is, to this the friends of the constitution must have recourse, for the reformation of the government and of the assembly itself. By the integrity of Sir P. J. Clerke, the buyers and sellers, and changers of money, have been driven from the temple; by Mr. Crewe's humanity, the revenue officers have been rescued from the temptation to base submission, if honest, and from the capacity, if they are ill disposed, of supporting bad men by their votes; and by Mr. Burke's admirable bill, the corrupt authority of the crown in either house, and in the nation at large, is abridged. Much has already been done, and more remains to do: topical remedies have been wisely administered; but by a radical cure only of the nobler parts, can the constitution be restored to its strength, and confirmed in its purity.

Many advise the restoring the house of commons to what is said to have been its original institution, such as is asserted to have been its state at the Norman conquest, or among the Saxons, or the Britons.

The parliaments or assemblies of the different nations in Gaul, consisted only of one order of men, (unless the Druids were admitted) that  
of



of the lords and chieftains; the common people, as Cæsar acquaints us, being neither respected nor admitted into any such assemblies. As there were general assemblies among the Celts on the continent, we cannot but conclude, that their insular brethren the Britons, had such meetings likewise, and which were constituted nearly in the same manner. We are informed by Argentri, that in the parliament of Britany, there was in ancient times an order of men called Matiberni, who appear to have ranked among the procures; and whom I suspect to have been the whole of the parliament originally, and to have been the successors of the old Celtic chieftains, or Ucheluz. Argentri professes ignorance of their qualifications. Their name in Celtic, perhaps, means, sons of nobles; (Mac Tigearna, or Tiarna, the name of the old Irish chieftains) and they seem analogous to the Hidalgos of Spain, derived from Hijo-di-Algo, which is another denomination of a nobleman in the ancient Celtic and modern Erse. These assemblies of the Celts, and probably of the Britons, were annual, but very different from universal representation, which perhaps will be as little discovered in the Saxon councils.

Tacitus expressly says, that the whole of each nation of the Germans used to debate about the greater affairs, but does not inform us whether

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the whole of each nation assembled together in one place; nor if in divers, how their resolutions were communicated from one division to another. Wernerus, who wrote at the latter end of the fifteenth century, *de situ et moribus Westphalorum*, after quoting Bede, to shew that the old Saxons in Germany had not kings but only Satrapæ, in every pagus or shire, goes on thus: "Once in every year, it was the custom for a general assembly to meet in the middle of Saxony, at a place called Marklo, (a hill at the boundaries) near the river Weser; there all the Satrapæ used to meet, and from every pagus, twelve Nobiles elected as many Liberi, and as many Laici: there they renewed laws, judged causes of consequence, and determined by general consent, what should be done for that year in war or peace." This Wernerus delivers from tradition; but it deserves some attention, as being I believe the single passage in an original writer, from whence it may be collected that the old Saxon assemblies in Germany, consisted of men elected from different orders, especially from those of the Liberi and Laici. The Satrapa was probably the Eeldorman of the pagus or shire, the Nobiles were the predecessors of the Thaness. The Liberi might be either the smaller Thaness, or the Ceorles who possessed land, and the Laici the inferior Ceorles,

orles, but yet freemen. The old Germans were not without slaves, but it is inconceivable that the Laici, an order which sent representatives, should be in servitude; and in the Cotton MSS of Alfrick, Ceorl is translated Laicus. Leod sometimes was used for Populus, at others for Plebs.

The constitution of the great councils of the Saxons, after their establishment in this island, is concealed in the darkness of time. Glimmerings appear, which rather mislead, than form a light sufficient to direct our steps with certainty. Mr. Whitaker, the truly ingenious historian of Britain, as well as of Manchester, is of opinion that the great council of the Saxons was composed of no other of the laity than the king's Thanes, and that they were the successors of the British barons or chieftains; and it must be confessed that his opinion appears too probable. It should seem that the representation was not only of one order of men, but that it was even hereditary; and if so, their constitution must have exceedingly degenerated from that of their forefathers, as described by Wernerus; when Ceorles and freemen elected their deputies of their own body, perhaps, as now in Sweden.

On the revival of the old Saxon laws by Henry the 1st, as the price of his crown, he declared that Villains, Cottagers, &c. are such



vile and poor persons, as are not to be numbered among the judges of this law; which it should seem means that they are not to be admitted upon juries, still less to choose representatives. In doomsday book, we find another class of men, Servi, (the Theows of the Saxons) which seem to have amounted to at least a tenth of the people, and with the Villani, and Cottarii, and Borderii, to have constituted by much the major part of the inhabitants of the kingdom at the time of the conquest, and were all together thus described by Henry the 1st as excluded, while he was reviving the Saxon laws.

Thus there being many slaves among the Saxons, who certainly did not elect representatives, and a most numerous body of Ceorles, who do not appear to have joined in sending representatives to the grand assembly; and as after the Norman conquest, the whole of the Villani, Cottarii, &c the successors of the Ceorles, were not thought fit to serve as judges of the law, it is highly probable, that they were not suffered to vote in the appointment of the members of the grand council; and, therefore, it seems very difficult to find universal representation, even of the inhabitants of the counties or shires, in the Saxon constitution of parliament, or in that of the Normans soon after their conquest.

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The statute of Henry the 6th, limiting the right of election of knights to freeholders of forty shillings a year, does by no means prove that every person, free or not free, had previously a share in the election. It might be that every man, every freeman, or every little freeholder, actually exercised, or claimed a right of voting at such elections. All farther or positive conclusion seems without sufficient warrant.

The right, therefore, of the people of England to universal representation, by the vote of every individual, not being supported by clear precedent, or usage of our forefathers, must depend upon the necessity, propriety, and utility of that measure to the individual, and to the society at large. It cannot be necessary or essential to freedom, because it does not appear that it ever was, and certainly for many centuries has not been enjoyed by so great a majority of this nation, who can by no effort of reason or sophistry be deemed other than freemen; nor can they be called slaves, but by the greatest abuse of language, and assuming the proposition to be proved. Some very worthy and ingenious men, declare that Englishmen are not free, because political freedom requires the votes of all in governing all; and that no man ought to be governed by laws to which he has not given his  
 consent,

consent, at least by deputy. Englishmen, they say, are slaves, because political freedom requires that every man should elect his representative. This will amount at most to a thing of speculation and form: the material circumstance is, that a man should be governed by wise laws made by good men, and that he have not the privilege of election, if it is not consistent with his happiness as a member of the society, or to that of the society at large.

I can affirm, from my own experience, that the smaller freeholders with they had no vote, when solicited different ways, by their more opulent neighbours. The labouring man would of course be more unpleasantly circumstanced, liable to perpetual contention, and I am afraid oppression sometimes, or at least neglect. No laws can oblige a gentleman, or farmer, to employ a man who has displeased them; and the far greater part of mankind must labour; are born to labour for their own sakes; God forbid I should say, for upholding the luxury of others. Their employ is work, and their happiness, as well as that of all mankind, is to be employed; and theirs peculiarly to work, not to think. For one benefit which either, individually or as a body, they would receive, by voting at elections for knights, citizens, or burgessees, they would, as I am compelled to believe, be liable to a multitude of inconveniences.

With



With regard to the publick, who can foretel the consequences which would attend the giving motion to a million of men, in one week, or day, at a general election? Upon an average, twenty thousand labourers would vote in every county, brought together in one place, hot-headed with politics, with liquor, and conscious of their own strength. Certainly the mischief they might do in quarrels with one another, might be great; and greater still that which they might commit by joining together, under the guidance and seduction of a vile demagogue, a jack-straw, or jack-a-lanthorn.

If the votes were taken in smaller divisions, according to the plan of a most worthy young nobleman and friend to the people, it may be doubted, whether there would not appear a want of that spirit and support, which the members of a large body communicate to one another. Even our present freeholders, if they saw no faces but those of their landlords, lords of the manor, and neighbouring gentlemen at elections, would be timid before the little tyrant of their hundred. But when the whole county assembles, they see their brethren in multitudes, in which they hope an individual may be screened, as the hunted deer in the herd: they are kept in countenance by one another. If the whole of the people were to  
be

be polled in small divisions, the lords of manors, and others who grant leases, would be perhaps masters of the whole election, (unless it were a tumultuous combination of the common people :) so different would the election be at all events from a free one, which is more essential to the good and freedom of every rank, than that it should be the result of the votes of every individual. Certainly, many good consequences may be expected from this mode, which is the only one by which universal representation can be exercised, with any degree of safety.

It may be asserted, that in the present mode of polling, it would be impracticable to take the votes of the whole of the inhabitants of a county. The expence of a county election, when contested in the most honourable manner without a single bribe, amounts at least to ten thousand pounds, if there are three thousand electors. What would it rise to, if seven times that number of votes were to be polled, which would require six weeks, if taken with the greatest regularity, and without the intervention of any riot? Encrease the number of booths then ; yet as they now upon such occasions resemble a town, they would equal a good city, with the whole of the inhabitants in an uproar. Inconceivable riot would be the consequence.

How

How would it be possible to poll the 100,000 inhabitants of London?

The embarrassments of these elections would not be much diminished by their being annual. Steadiness in government, is as necessary as any other virtue: annual parliaments would, perhaps, render the government totally unsettled, and the nation mad.

Many worthy men, struck with the inequality of the numbers who elect representatives in a borough, compared with those who elect the same number as representatives of a county, or great city, have advised, that the number of representatives sent by each district in the kingdom, should be in proportion to the number of inhabitants in each, or to their property, ascertained by the proportion of their payments to the land tax. The idea seems very natural; but, as a preliminary, it should be first determined, whether it would be adviseable that London and its neighbourhood should elect a fifth or sixth part of the house of commons. However the sentiments of the friends of liberty differ upon the matters above mentioned, they are almost uniform with regard to the necessity of a reform in the boroughs.

Before the conquest, the boroughs, which amounted to some thousands I believe, were under the authority, and as it were the property

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of



of persons of all ranks, from the King to the lower Thanes inclusive, as appears by the laws of Alfred. It does not, therefore, seem probable, that those boroughs sent any other deputy to the grand council, than the head of the borough himself; which if a representation, cannot be properly called an election. There are some traces which lead to a supposition, that the royal boroughs were represented; and the probability is encreased by the circumstance that so many inconsiderable places; have, for centuries past, had a share in the representation, which can shew no right nor claim, but ancient prescription.

It does not, upon the whole, appear that boroughs, sent, or at least elected representatives to the grand council, before the 49th year of Henry the 3d; in which year writs of summons were issued for that purpose, some of which, I believe, are still existing; and in the 26th year of his successor's reign, one hundred and sixty-nine counties, cities and boroughs, sent representatives, twenty-two of which boroughs have lost their right of representation, by non-usage I presume. In their room thirty more boroughs were permitted the privilege of sending representatives, before the accession of Edward the 6th; and the parliament varied little during that time, from the number of three hundred  
representen-

representatives. Six and thirty boroughs have been restored to their right of representation since the middle of the reign of Henry the 8th; and between that time and the end of the reign of Charles the 2d, one hundred and forty-three votes have been added to the house of commons, by new creation.

The boroughs seem of old to have considered representation rather as a burthen than a privilege. We may observe in them and their representatives, the same disregard to the publick good as at present. They rejected the honour of representation, to avoid a small contribution to the maintenance of their representatives, who then, as at present, were no more willing to go without hire, than their constituents are now to appoint them without a bribe, either as a fee or salary. For some boroughs are common prostitutes; others, who pretend to more honour, are only in keeping, not to become at by all the world, indiscriminately.

This encrease in the representation of the boroughs, was manifestly intended by the crown, to oppose the great lords and land owners; who having now got into their possession a share of that force, which the crown intended to oppose them with, often have forced the crown to grant them their own terms, in a partition treaty against the people, against whom they both send their forces. This class of men is so dif-

ferent from the Aristocratical body, that it forms an order by itself, and deserves to be stiled an oligarchy; and which when it forms the whole government, is the worst possible government; and as a class of men, will be found to be in public life the most pernicious to the liberty, tranquillity, and prosperity of the nation. If the number of prerogative boroughs is diminished, without a proportional reduction of those in the power of the oligarchy, the nation will have the fate of a man, who being tenant at will of an estate claimed by two lords, in which situation, if one of them distresses, the other will support him, finds in time that one of these lords has got possession of the whole, and may harraß him at pleasure. The house of commons would, in fact, be elected by the house of lords.

It were much to be wished, that lines could be drawn, beyond which the reformation or reduction of the number of the boroughs, should not proceed. Many, who in a state of uncertainty in that respect, would oppose every attack upon any borough, lest the next should be their own, would not unwillingly join in destroying those of their neighbours. In strict propriety, those boroughs which are the most corruptly and the most incorrigibly constituted, should be the first victims to the public good. Of such there are thirty or more, among those  
boroughs



boroughs which have been added since Henry the 7th, and to which antiquity gives no sanction. With these the beginning of a foundation would be laid, and by throwing in the ruins of ten or a dozen more boroughs, the edifice of a free parliament might begin to be raised; if those who have planned, and those who have engaged to further the good work, really mean what they have promised.

A small addition would be more advisedly made to the number of votes now in the house of commons, than to pass a decided line, and attack more of the strong holds of corruption, considering what an obstinate defence they would probably make. To avoid every possible degree of harshness, real or apparent, though *nil magni exempli sine levi injuriâ*, it might be adviseable, as a preliminary, to resolve, that a certain liberal pecuniary indemnification, should be allowed to the voters, and to the proprietors forsooth of the boroughs, for the supposed injury to them; which might be extended likewise to those owners of burgage tenures, who hereafter might voluntarily surrender their right of election; and thus extravagance might in one instance, be induced to contribute to the publick good.

As copyholds of inheritance at a certain rent or fine, are to all purposes of independance, freeholds except in the name only, there appears  
no

no solid objection to the privilege of voices, in the election of knights of the shire, being allowed to them as a benefit, or forced on them as a duty. By this means a great, but not a vast addition, and of persons of the lower rank, would be made to the electors, of those who almost alone retain in this kingdom the shadow of independancy and free election; and whose numbers it is hoped will be encreased, whether the number of the representatives of the rotten part of the nation be diminished or not. In them is our only hope under heaven.

Yet it must be owned that an objection of weight occurs, against the propriety of adding to the number of representatives of counties; because two thirds of the Scotch members are deputed by the counties, and yet act as if appointed by a letter from my lord warden, to his cinque ports. But it is to be observed, that the number of small freeholders in Scotland is inconsiderable; that the smaller gentlemen cannot in discretion dispute the will of the heads of their families, by whom they are commanded, in some degree, as the poor gentlemen in Poland are by the greater, by whose horses sides they run barefooted, or with a single boot on, which is the badge of nobility in Poland.

While this unfortunate division of landed property continues, it does and must oblige  
a nation

a nation abounding with spirit, sense, learning, generosity, liberality, and integrity, to be represented as if those virtues were totally unknown in it; and the representatives may be stiled burgessees, citizens, or knights, but as Flamininus said of Antiochus's soldiers, " They may call themselves light or heavy armed, charioteers or cataphractarians, but they will all be found to be the same slaves of the Syrian monarch, disguised under different names." By Syrian monarch, I do not mean the Nabob of Tanjore, nor allude to those ten or twelve gentlemen, introduced into the house of commons by Mr. Macgregor, the extraordinary envoy from that Eastern potentate. If our neighbours desire an improvement in their mode of representation, no doubt but they will meet with the utmost assistance.

The help of all ranks of men is wanted to bring about this great attempt of reformation; and one solid foundation of hope is formed by the concurrence of persons of high rank, even in administration, who have pledged themselves to the people for that purpose. They may deceive, but the belief that they are sincere gives a confidence, which, if not in excess, encourages activity. If the people do not believe they shall succeed, they in all probability will not; yet let the confidence in the great be  
only



only provisional. No rank nor party of men, can withstand the great body of the Whigs, and friends to the constitution, if they continue united in this glorious cause.

There is a class of men from whom, in the difficulties of the republick, much assistance is received, and great effects produced, to the astonishment of ministers, and managers of parties, to whom they are seldom known but by their effects. They sit retired and quiet in their snug parlours or old halls, and in general regard the intrigues and plots of statesmen, no more than they trouble themselves about the little mischievous tricks of their monkies. They know it is the nature of the creatures, and look on with smiles and amusements at their playful, or sober follies: but when they perceive the animal grows dangerous, plagues the servants, bites the children, defiles the chapel, violates the sanctuary, and throws firebrands about the house, they seize a cudgel and drive the impure animal to his den, and then leave him to clank his chains for amusement.

A division among the friends of the constitution, to procure which no art will be untried, is certain defeat. I have presumed to offer some hints of my sentiments; but I will not presume to consider them as any thing more than opinion, and which every body ought readily to give up to the concurrence of the wise and good, in  
different

different proposals. This I am sure of, that if men distrust the integrity of others, because they entertain different opinions of the mode and proper degree of reformation, and will persist in supporting no measures which did not originate from their own ideas, no reformation can possibly be compleated, or in truth begun.

Let the friends of their country take care not to resemble those cavaliers, described by Lord Clarendon, " Who (after the restoration) were so divided and disunited by private quarrels, factions, and animosities, or so unacquainted with each other, or which was worse, so jealous of each other; the understandings of many honest men were so weak and shallow, that they could not be applied to any great trust; and others who wished and meant very well, had a peevishness, frowardness, and opiniatry, that they would be engaged only in what pleased themselves, not would join in any thing with such and such men, whom they disliked.

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